

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, July 18, 2001, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Jon Carlson, Patte Newman, Greg Schwinn, Cecil Steward, Tommy Taylor and Steve Duvall (Linda Hunter absent; Gerry Krieser and Russ Bayer declaring a conflict of interest); Kathleen Sellman, Stephen Henrichsen, Teresa McKinstry and Jean Walker of the Planning Department; Roger Figard of Public Works & Utilities, other Department representatives, the consulting team, media and interested citizens.

STATED PURPOSE OF MEETING: Special Planning Commission Meeting
Continued Public Hearing on the proposed Comprehensive Plan Amendments for the South and East Beltway Corridors

Vice-Chair Schwinn called the meeting to order and requested a motion to approve the minutes of the special meeting held July 11, 2001. Steward made a motion to approve, seconded by Newman and carried 5-0: Steward, Duvall, Newman, Carlson and Schwinn voting 'yes'; Taylor abstaining; Hunter absent; Krieser and Bayer declaring a conflict of interest.

COMPREHENSIVE PLAN AMENDMENT NO. 94-62 (SOUTH BELTWAY):
COMPREHENSIVE PLAN AMENDMENT NO. 94-63 (EAST FAR):
COMPREHENSIVE PLAN AMENDMENT NO. 94-64 (EAST MIDDLE):
and
COMPREHENSIVE PLAN AMENDMENT NO. 94-65 (EAST CLOSE).
CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 18, 2001

Note: If testimony was submitted in writing and read into the record, that testimony is attached as an exhibit and not repeated herein. The exhibits attached to these minutes begin with number 17. Exhibits 1 through 16 are attached to the minutes of the meeting held July 11, 2001.

Steve Henrichsen of the Planning staff submitted additional information for the record:

Exhibit 17 - Memorandum from the Director of Planning and the City Engineer revising the staff report recommendation in response to a request by the Nebraska Department of Roads to designate the beltway as a “freeway” rather than a “limited access expressway” in order to clarify the intent that the beltway be without any at grade crossings, driveway access points or traffic signals. The Memorandum also advised that the MPO Technical Committee unanimously endorsed the four proposed beltway staff recommendations. The Memorandum also amends the staff recommendation to provide some flexibility in the final design plan.

Exhibit 18 - Memorandum from the consultant, Jim Linderholm with HWS, regarding the sequence of traffic modeling activities referenced by the South and East Beltway Studies.

Exhibit 19 - Letter in support of the staff recommendation from Barry and Diane Good, 8209 S. Hazelwood Avenue.

Exhibit 20 - Letter in support of the staff recommendation and opposed to the East Far route from Lash and Ann Chaffin, 3725 Pace Blvd.

Exhibit 21 - Letter in support of the staff recommendation, particularly in support of the East Middle route, from Dr. Rod Kohl and Beverly Ellen Batten Kohl, 1924 Otoe Street.

Public Testimony

1. Valerie Lemke, 13000 Pine Lake Road, five blocks from the proposed beltway, testified in opposition to the East Middle route. Five generations have worked their family farm and the beltway will destroy their family’s history and the farm land. (**Exhibit 22**).

2. Steve Johnson and daughter Rachel, 13200 Yankee Hill Road, testified in opposition to the East Beltway. His house is over 100 years old and his property does qualify for the National Historic Registry, but that isn’t even the issue. The issue is that we’re here because we are saddened that we have taken eleven years and worked so very hard to develop an acreage that, if this project goes through for the east beltway, will be stripped away from us. Johnson understands that the South Beltway is necessary and needs to happen quickly, but that’s not the case for the east/west beltway. That’s a different animal with different purposes. The one thing that has been overwhelmingly consistent in the meetings during the process is that the majority of people are questioning

the necessity for the East Beltway. Johnson requested that the Commission please step back and take a look at this decision.

Johnson testified a few years ago in opposition to an airfield in the same basic area. The concept was right but the location was wrong. The reason it was denied is because it was put in the middle of us. He hears that people will build by the beltway, but those are people who want to live by a beltway. Johnson does not want to live by a beltway. Johnson stressed that being in the country is different from being in the City. It has taken years to build our orchards and buildings; to reconstruct and put roofs on historic barns; to reconstruct and preserve homes that are 100 years old and worth saving. "If you move me out of here, I don't have the same 12 years to start over." Johnson believes there are boundaries better beyond 148th. "If this project goes through, there is nothing you can do to give us back what you will take from us—watching the stars, watching the sunsets and the deer." Please give some thought to the reality—not just the paperwork.

3. Mary Jensen, 2411 Wheatridge Drive (**The Wheatlands** located between A and Van Dorn at approximately 134th Street), testified in opposition to the East Middle route because it is too close and too expensive based upon the statistics of Lincoln's growth. ([Exhibit 23](#)).

4. Greg Retzlaff, Route 1, Adams, Nebraska, testified as Co-Chair of the Stevens Creek Preservation Association in opposition to the East Beltway. The Association requests that other alternatives to the beltway on the east side of Lincoln as described in the DEIS be considered and examined before a permanent decision is made. The Stevens Creek watershed should be protected and preserved and not cut in half by a freeway. ([Exhibit 24](#)).

5. Norma Lemke, 13000 Old Cheney Road, testified in opposition to the East Middle route and in support of using existing roads. This is a ½ mile loss for the Lemke's and their son, Mark. ([Exhibit 25](#)).

6. Bryan Rickertsen, 8130 Dundee Drive, who lived on the Stevens Creek Stock Farm for 25 years, testified in opposition to the East Far route ([Exhibit 26](#)).

7. Debbie Lockyer, 13800 Yankee Hill Road, testified in support of the staff recommendation to deny the East Far route. She is not in favor of the beltway at all--there is no need for an East Beltway at all. It will cause irreparable harm to the land and people's property through which it passes and adjoins. ([Exhibit 27](#)).

8. George Lockyer, 13800 Yankee Hill Road, testified in support of the staff recommendation to deny the East Far route. He is also concerned about urban sprawl and urbanization of the Stevens Creek area. He also disagrees that there will be no noise impact on his property. ([Exhibit 28](#)).

9. Mark Lemke, 13000 Pine Lake Road, who owns property in both the East Far and East Middle routes, testified in opposition. "You have failed." Lincoln is coming out and you've got problems on all your streets. You're going to fight with tree removal and relocating houses. Lemke has many times encouraged that the City not allow development close to the road. There is no cost involved because you don't acquire the ground until the 4-lane goes in. You already own the ground for 4 lanes on 148th. There are other alternatives. This road will not have the traffic.

10. Lyn Wineman, R.R. 1, Box 84A, Walton, who lives on the Stevens Creek Stock Farm, testified in opposition to the East Far route. It is the least desirable route and not in conformance with the Comprehensive Plan. This beltway selection process has been long, hard, frustrating and stressful to all of us. It has split families and has put neighbor against neighbor. She urged the Commission to make a sound and logical decision and she believes the staff recommendation regarding the East Far route is sound and logical. ([Exhibit 29](#)).

11. Peggy King, 6901 No. 148th, testified in opposition to the East Far route. The goal of the Citizens for Accountable Route Selection (CARS) is that the route selected be accountable. The East Far will not adequately address internal traffic relief or serve as a multi-use corridor as well as other routes. It will require additional costs to pave and improve existing rural section roads. There are more environmental impacts, more residential relocations and more visual and more noise impacts. ([Exhibit 30](#)).

Schwinn inquired as to the closest east/west section road to the King home. King stated that her home is on 148th between Fletcher and Alvo Road, about 200' back from the road.

12. Kristi L Cheloha, who owns land along 120th Street between Pioneers and Old Cheney, testified in opposition to all three East Beltway routes, particularly the East Middle. She grew up in a farm family and does not believe it is necessary to put the road in the middle of a section. It should be located on an existing roadway to not take away farm land and homes. There are better compromises and she knows there has been a lot of money spent doing this research. You can debate every good thing in the middle—yes, you will have trails but they will be bordering businesses and it will grow up as a big urban business park. It will adversely affect the natural beauty of Stevens Creek. It will take more land from the farmers. It will end up costing even more money. The East Middle is in

closer, so therefore it will cost more money per acre to purchase it for the roadway. Also, Cheloha is disappointed that the Lincoln Journal Star appears to be very one-sided. She wishes the newspaper could be more neutral. As far as the historical sites, Cheloha suggested that her land is just as valuable as anyone else's. It is not the age of the land—it's all been there forever.

13. Jerome Thraen, 12500 Havelock, testified that he does not know if we need a bypass and the Planning Commission does not have the material to make that decision at this time. He does not believe the information has been exact and the people guiding this process aren't giving the Commission all the information because they don't know. Thraen's home is located in the East Middle route. A portion of the LES transmission line goes down the middle of the East Middle route. Three months ago he went to an open forum and they showed the bypass going up to his house for the first time by following the power lines. It will be a greater implementation cost for the East Middle because it will be too expensive for LES to move the power lines, thus the beltway will be closer to his home. "If you take my house, I can live with that but I won't like it." What I can't live with is the other two residences would have noise impacts exceeding criteria levels. What does that mean? It sounds to me like I would have a criminal charge and civil liability suit against the city for affecting my quality of life.

Thraen submitted that the insanity of this beltway is summed up by the staff summary memo which states that all three East Beltway routes will be of limited value for internal traffic relief. Then why are we doing this? It will serve no purpose for the citizens of Lincoln. Thraen has been a Police Officer for 21 years and he believes the East Beltway is going to make traffic worse. Why are they putting an exit on Fletcher? It is a dead-end. Why are we going to make a dead-end street on an arterial? It stops at 84th, thus it will need a traffic signal. Fletcher is insane. It goes no where and they want to make it go somewhere at the expense of the property owners for no reason.

14. Rod Otley, 140th & Adams, testified in support of the staff recommendation to approve the East Middle route because it has the least impact of the three alternatives ([Exhibit 31](#)).

15. Karen Miller, 14101 Pioneers, owns and operates Miller Nursery and is a member of CARS, which was created for the sole purpose of insuring that the right beltway location decision is made for the right reasons. Miller strongly encourages support of the staff recommendation to deny the East Far route. ([Exhibit 32](#)).

Carlson asked whether Miller has a position on the other two east routes. Miller's response was that she and CARS have been opposed to the East Far route throughout the process and make no other recommendation. Carlson inquired whether CARS believes that a beltway corridor must be reserved. Miller's response was that the Comprehensive Plan provides that a beltway corridor be reserved and she supports that so that the property owners can get on with their lives. If no decision is made, the property owners are left where they are today. When Millers purchased their land in 1984, they did check the Comprehensive Plan and knew that there was every possibility of a beltway route up to 134th. That is why they purchased and built on 141st. If the Commission does not make a decision, anybody that wants to do what we did won't know, but by making a decision you really take on the hard decision by saying okay, we're going to let the future of Lincoln know where the beltway is going to go. Furthermore, you will prohibit leapfrogging of development by making a decision. If we know where it is, then the Planning Commission will know exactly how to have planned, smart growth and prevent sprawl.

16. Lorraine Retzlaff, 8601 East Fletcher Avenue, testified in support of the staff recommendation to deny the East Far route. She suggested that there be a series of over and under-passes on 84th Street. The Retzlaff's donated the land to get the 84th Street easement. She believes that urban sprawl will deplete the water supply. Lancaster County should slow down on housing developments. ([Exhibit 33](#) and [Exhibit 34](#)).

17. John Schleicher, 1430 Sumner Street, #1, resident of Near South Neighborhood, interested in historic preservation and the economic vitality and residential viability of the core of Lincoln, testified in opposition to the east beltway. He does not believe an east beltway is needed at this time. He requested the Commission to please consider a "no build" option and pave existing roads in the county; however, if a four-lane, divided roadway is inevitable, he agrees with the Planning staff recommendation for the East Middle route. ([Exhibit 35](#)).

18. Norm Hesson appeared on behalf of Alan and Shirley Retzlaff, who are part owners of Retzlaff Bros. Trucking Company and the Retzlaff Farms, owning property along 148th between A and Van Dorn. This property includes two historically eligible farms and a hollow tile silo. The Retzlaff's support the staff recommendation to deny the East Far route. ([Exhibit 36](#)).

19. Lester Gertsch, 3250 So. 31st, has worked in the shipping business for 10 years, routing freight the most convenient way on a daily basis. He testified that anything north of Lincoln and east does not come through Lincoln at all. Anything west can come in from the west and head down 77. He agreed that the South Beltway going east and west is needed and will be used. It will take traffic off West Van Dorn, South 9th, Hwy 2 and the business

district. However, he is yet to be convinced that there will be one truck on the East Beltway. Everything can go down I-29 very conveniently; everything from the north can come around and go down 77, and beyond Beatrice we have nothing, so why do we need a beltway? He agreed with the previous testimony that the East Beltway will breed industry and we don't need that out there. He wonders how much study the Mayor has really put into this. Gertsch stated that he has no sympathy for the people east of town when they come and say that they have a historical building to be preserved; however, he does have sympathy for them to get across the highway to farm their land. These people are going to need some access to the land on the other side of the highway without having to travel any distance. Who is this beltway going to accommodate? He doesn't think it will accommodate anybody.

20. Mark Hunzeker appeared on behalf of **Ed and Kathy Foy**, owners of property on Holdrege where the East Middle route intersects Holdrege. Hunzeker tried to refocus some of this discussion away from the impacts on individual properties and toward the proper focus, which is the decision of which is best for the City and its long term growth. If this was a 10-15 year project and you could be assured to have the money and willing to build the road within 10-15 years in the Stevens Creek Watershed, the East Middle route is probably not a bad choice; however, everybody knows we don't have any money to do this and it is more like a 25-30 year project. Therefore, if you consider the long term future of Lincoln and its likely growth prospects, the East Far is the best choice, if you must make a choice.

Hunzeker purported that the staff report is remarkably shortsighted and short termed in its analysis. There is no focus on future growth in the Stevens Creek Watershed; there is no method of a key traffic assumption—there will be a population base in the county of 375,000 but no urbanization of the Stevens Creek watershed at the time this project is built. The corollary assumption that goes with that is that there will be no urban arterials constructed in the Stevens Creek Watershed. These are obviously wrong. It is one thing to ignore the obvious, but to make recommendations and decisions based on assumptions you know to be wrong is something else.

In the short term, if building in 10 years, Hunzeker suggested that the East Middle is probably an okay choice because it would stimulate and facilitate the growth of the city into Stevens Creek and encourage growth along the east/west arterials that would be built as the Stevens Creek watershed is urbanized. But nobody believes that you are going to do that. Nobody believes there will be money or the will to build an east bypass within the next

25 years. All the noise and emissions studies were based on a 30-year timeframe. South is clearly the higher priority, and the East Beltway is not part of the state highway system which gives no means of corridor protection. And there would only be 300' of corridor protection if it was part of the highway system.

Hunzeker observed that we are in the midst of updating the Comprehensive Plan and it is a virtual certainty that we will begin development and urbanization of Stevens Creek in the next few years. There will be 25 years of pent-up demand released at that time. There will be development on both sides of the proposed East Middle corridor. In order to build it, you are going to have to elevate existing arterial roads; you're going to have to build interchanges at every other one of those east/west roads, and that will have a major impact on the uses that have developed over that period of time. Imagine Hwy 2 without the road--with the creek and the floodplain with arterials crossing at regular intervals at grade--would you go in and build that road today? Could you? Of course, not. You would not build overpasses at 14th, 27th, 33rd, 48th, 56th. People would string you up. It will be the same way if you allow yourselves to get convinced to designate a corridor which is short term in its analysis.

Hunzeker urged that the Commission has two choices. One is no recommendation, or if you have to make a choice, choose the corridor that is least likely to undergo change that is so great that the study assumptions that went into designating it are no longer valid and you have to start over at the time that you really need and want to build the road.

21. Estel Schroeder, 3300 No. 176th, testified in opposition to the East Beltway and in support of widening existing roads. This is poor planning. He does not believe there is a need for the East Beltway and it is not wanted in the community out there. There are five or six existing roads that could be improved to handle more traffic. One highway leads to one big traffic jam. With regard to the islands that will be left with the East Middle parallel with the power lines, he could see it go on the west side but there would be some objection to going through the golf course. There will be a long sliver of property along the property line. Will the property owners be compensated properly for it? One property owner's property is not worth less than someone else's. He urged the Commission to make a decision on proper planning and a politically correct decision.

22. Marleen Reckertsen, 8130 Dundee Drive, testified in support of the staff recommendation to deny the East Far route. She also served on the Stevens Creek Task Force and the Task Force recognized that the area from Stevens Creek east is one of the oldest, most historic areas of the County and the Task Force recommended that historic sites should be identified and well documented and that significant resources should be preserved. ([Exhibit 37](#))

23. Mike Rierden, 645 M Street, appeared on behalf of the Citizens for Accountable Route Selection (CARS), consisting of 52 individual family property owners in the area of the East Far alternative. First, after reading the draft EIS, based on federal case law he has read, his opinion is that the DEIS fails to analyze the full impact on the historic sites in the East Far route. Rierden then cited from Supreme Court cases dealing with direct and indirect impacts on historic sites. Rierden represented clients back in the west bypass issue. There was a Supreme Court case with similar issues that dealt with park land. Judge Urbom's opinion recognized that the park lands and historic sites are awarded special consideration by two pieces of legislation--the Federal Aid Highway Act and the Department of Transportation Act. The section of the EIS covering the examination of alternatives is the heart of the EIS. Rierden's problem with the EIS is that the preparers of the DEIS identified only five historic structures that would be impacted by the East Far route. There is little analysis and they concluded that none of the sites were "substantially impaired".

Rierden suggested that the analysis was cursory at best. The EIS needs to be more detailed in their analysis. The question becomes, when are the protections afforded in section 4-F triggered? In Coalition Against a Raised Beltway v. Dole, it states that the protections of 4-F are triggered if the highway either directly or indirectly uses the protected land. The case opinion went on to state that the elimination of the view, the increase of noise and air pollution and close location of the highway may cumulatively significantly impair the utility of the properties. Once you determine the property is substantially impaired, you must find prudent and reasonable alternatives. If there is substantial impact on the historic properties, the next step is to determine if there is a reasonable and prudent alternative out there.

Rierden supports the elimination of the East Far route. However, he urged that we not lose sight of what we're doing here today and why we are having these hearings--not to build the corridor but to designate a corridor in the Comprehensive Plan. The question of building it comes later.

24. J.L. Spray, testified on behalf of the Leavitt Family, fifth and six generation farmers in Stevens Creek. They own land that will be impacted by all three of the east routes. They have been involved with the development of Lincoln for many, many years. They are not opposed to development. They understand that it is something that is going to happen; however, they do not understand how you can preserve Stevens Creek by putting a highway over it (East Middle). How is disrupting the elevation in Stevens Creek going to be a good methodology for preserving it? In addition, the East Middle route will go through a whole lot of floodplain. Elevating that ground will change the grade and the way it looks.

Secondly, Spray criticized the draft EIS. He does not think it is as detailed as it should be. His clients do not understand how transportation figures with no development in Stevens Creek would be applicable or helpful. Those transportation figures are not going to reflect anything that's going on out there. It seems more visionary to push this thing out to where it should be in 20-30 years.

Spray noted that there is not much mention of engineering. The East Middle route has a tremendous change of grade. It is a lot harder to make a decision when you don't have the facts. He is not sure we have all the facts on transportation or on engineering. He is not sure we have the facts on the impact on the environmental and watershed. Spray urged the Commission to use best judgment for where this should be 25-30 years from now for the benefit of the community.

25. Rick Hodtwalker, 13505 Old Cheney Road, appeared on behalf of the property owners at 13605 East Pioneers Blvd. in opposition to the East Middle route. He noted that every one of the people testifying in support of the East Middle route were people who live in the Far East route. He respects their feelings but how supportive would they be if they lived in the East Middle? LES does not want it in the middle; people who live there do not want it there; and those who care about Stevens Creek do not want it there.

26. Mike Fardella, 841 Coachman Drive, has followed this project for several years as part of a good citizenship project with his daughter. He believes that the prudent decision is to follow the staff recommendation to deny the East Close and the East Far routes. The East Far is too far to relieve traffic in the city. Backtracking is very ineffective. A strong logical and sensible case has been made by the experts for the East Middle. To do nothing is not a solution.

27. Steve Bowen, 4621 Birch Hollow, current President of Lincoln Independent Business Association (LIBA), testified that expansion into Stevens Creek has been contemplated most of his adult life. The City's economic development has been stymied for many years by limited ability to expand. The city needs additional room for commercial and housing uses. Not doing anything is far worse than actually getting something done here. LIBA believes that a route should be designated and that Stevens Creek should be opened up for development. This is long overdue and will help stimulate economic development which is desperately needed. There are many infrastructure issues that will benefit by determining the location. To some degree we have wasted lots of money by delaying the planning that must be done. LIBA requests that the most logical route be chosen as soon as possible.

Steward asked whether LIBA takes a position on any one of the three east routes. Bowen would prefer the East Middle route, but would also prefer that the construction be started relatively quick. Once a corridor is designated, the economic development will begin. He would prefer to see a quick timeframe so that it is less disruptive. He knows the East Middle goes past fewer homes and farms, with all due respect to those disturbed by it.

28. Kevin Palmer, 12707 E. Van Dorn, testified in opposition to the East Beltway. If you build this beltway, you will have truck trash all along it. You're going to have big gas stations, big repair shops, big box retailers—it's going to be ugly. How are you going to preserve prairie when there is concrete all around it. East Lincoln is the most beautiful area all around Lincoln. It needs to be put further out—not on top of the Stevens Creek Stock Farm but put it out where it makes sense. This is not free money. We all pay federal income tax. Think about the legacy you will leave this community. It will be one ugly sprawl. ([Exhibit 38](#)).

29. Jo Gutsell, 2105 B Street, testified in support of the staff recommendations. She focused on the 4-F and Farm Land Policy Act. When she looks at the numbers in the DEIS on farm land, the total number of acres to be converted is "zero". We know there are going to be some acres that are converted directly or indirectly. The points come up to 140, 143.5 and 142. The Farm Land Policy Act is kicked into effect by 160 points. It is almost impossible for an everyday citizen to figure this. Gutsell requested that the staff be directed to find out how and why the indirect acres were calculated at zero. A letter speaking to the 4-F regulations is attached to the Preservation Association comments to the DEIS. It is important to make a distinction between historic sites and historic property. Much of the area is historic property and not all of it is eligible to the register. Gutsell noted that this action is only an amendment to the Comprehensive Plan. This action does not say to build this road tomorrow. All the Commission is doing is choosing a corridor if the city chooses to build it in the future. She appreciates the public hearing and having two days to give testimony.

30. Janelle Johnson, 1320 Cessna Lane, Route 13, 105th & Holdrege, testified in opposition to the East Close route. ([Exhibit 39](#)).

She has not heard any comments today about the people who live on the South Beltway. Maybe that's because there is a purpose that people see that can be gained from the South Beltway. She does not see a common purpose and a common plan for the East Beltway. Is a beltway the best way to handle traffic needs for the future? If it is, then choose very wisely. Johnson believes the East Close is the least favorable of the options that have been presented

Exhibit 40 is a letter submitted for the record from Steve and Sunny Warman, 2400 South 124th (The Wheatlands) in opposition to the East Middle.

Staff questions

Newman noted that many people are questioning the need for an East Beltway. Is there any way that we can preserve a corridor with some sort of zoning overlay district but promise the people in that corridor that nothing is going to happen for the next 30 or 40 years? Steve Henrichsen indicated that the Law Department questions the legality of a zoning overlay district versus state corridor protection because it would prohibit all development and all buildings. The second issue would be timing. The intent is to add the south route and one east route to the 1 and 25 year transportation plan in the Comprehensive Plan. The text does not say when within that 25 year period actual construction would begin. If the Planning Commission wanted to state some type of preference in terms of phasing, that could be part of the Comprehensive Plan amendment.

Newman has asked four separate times whether there has been any indication from any trucking industry as to whether the east route would be used and she has yet to receive any documentation that says they want it. Roger Figard of Public Works advised that the staff has not received anything official. Henrichsen agreed. There are comments from individual trucking firms but no letters from an association for or against any of the routes.

Newman asked whether there is any compensation for a farm's loss of access. Figard's response was that generically speaking, every piece of property has to be given back reasonable access. The analysis of the cutting, separating, and dividing would have to be a part of the initial appraisal and the person is reimbursed appropriately for that loss of value. Reasonable access must be provided.

Newman heard someone say the scope of the consultant's study stopped at 148th Street, or could they have gone further? Figard advised that the scope was mandated from the 1994 Comprehensive Plan that said ½ mile east of 148th Street. The South had a more limited study area initially but as the study started, it was amended to go another mile south. The point is, in the process of the study, if there weren't reasonable alternatives, there was a process to amend the study area.

Steward realizes this is not a hearing about the EIS per se, but he was interested in getting an answer to the point raised by Ms. Gutsell about the 4-F criteria. Henrichsen stated that the staff did receive several comments in regards to opinions regarding the historic boundaries and two reports prepared by the historic preservation consultants were also submitted providing additional information on the proper boundaries in terms of property

eligible for the national register. Staff is continuing to review this information, but all of those particular boundaries fall within the East Far route and staff has continued to recommend denial of that route. As we review the additional information, if we were to determine that the boundaries were larger that may have an impact in terms of the 4-F review. Steward asked whether the indirect impacts will be accounted for as well. Henrichsen responded that the staff will consider whether the 4-F applies to any of the seven properties; however, he was not certain that information would be available by next Wednesday. In terms of the DEIS, that boundary may not be resolved within the next week; however, in terms of a Comprehensive Plan Amendment, the staff has stated concern with the impact on the seven historic properties from a comprehensive plan standpoint.

Steward believes that brings into question whether or not this Commission will have all of the information that is available according to the schedule which has been set for the Commission to take action. Henrichsen does not believe the boundary determination will be available by July 25th. However, the goals of the Comprehensive Plan are to minimize impact on historic resources, and the staff review included significant impact on the historic resources and that was one of the reasons for staff's recommendation to deny the East Far route.

Steward is interested in the indirect impacts of not just this one route but the other routes as well. He would like some clarification to the extent possible as to how that matches up with federal criteria—any other indirect impacts on any of the routes. We have heard numerous testimony that even though we don't have national register locations, this is the region in the entire county of the greatest number of historic qualified property. He would like to be sure that we're not open to some challenge, whichever route is chosen or none, that is based upon federal statute.

Figard urged that in the planning process, there has to be some stretch or leap of faith. We have produced a DEIS that the Federal Highway Administration believed to include the facts and the information. We will continue to gather information. There has to be continual consultation between the local historical folks, state preservation office and the FHA to continue to decide whether or not FHWA agrees with the information in that document. When they do, it goes from the draft to the final. Throughout our planning process we have suggested that we think we have the facts as we know them today. Anytime we have new information it is added. The Planning Commission's recommendation on to the elected bodies is contingent on the fact that the information in the draft EIS was generally correct as we know it today. After a local decision is made, there still is requirement for federal approval. The decision to incorporate the

Comprehensive Plan Amendment is contingent upon a final EIS being produced that answers all of those questions. The Federal government needs to know what we think are the local impacts. The Planning Commission's decision doesn't mean that things move ahead without that information.

Steward inquired why the Commission has not heard anything from the State Department of Roads. Figard explained that from the beginning in the partnering process, NDOR has been willing to let the city be in the forefront feeling that it was more of an urban transportation issue. His sense is that they want to let the community decide. They will help with the funding, the study and the analysis, but will let the local decision makers make the decision. They are not interested in miles and miles of new state highways. They need to know that the local community is committed to this process.

Carlson wants an answer to Mr. Thraen's noise impact question. Figard agreed that there is no doubt this is certainly a challenge and a tough issue for the community. As we've talked about what is an impact, what's adverse, what's good, what's bad, he would hope that no one would believe that the staff believes that this study, this kind of a project, isn't going to have an impact on the people of this community. The adverse impacts have been directed towards federal law. We know that it will impact the people that live out there.

Carlson asked whether the right-of-way exists now for four lanes on 148th Street. Figard stated that there is 100' of right-of-way through the majority dedicated as county right-of-way. However, he does not believe, generally speaking, that we could build a 4-lane roadway because it would probably change the vertical profile and there would be need to buy more right-of-way.

Carlson inquired about the next connection eastward of 148th from Hwy 2 onto I-80. Henrichsen clarified that 148th goes over the interstate. Figard does not believe there is any north/south mile line road or state highway east of 148th that connects up to I-80 in Lancaster County.

Duvall and Taylor left the meeting, leaving less than a quorum. Upon Taylor's return, Schwinn closed the public hearing. Administrative action is scheduled at the next regular meeting of the Planning Commission on July 25, 2001. There will be no further public testimony. Written comments will be accepted in the Planning Department until 4:00 p.m. on Friday, July 20, 2001.

Meeting adjourned at 4:10 p.m.

Respectfully submitted,

Jean Walker
Planning Department